

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL MARGOLIES and
THE MARGOLIES FAMILY TRUST,

Plaintiffs,

v.

DARWIN DEASON, DOUGLAS R.
DEASON and DAVID L. NEELY,

Defendants.

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No. 3:03-CV-0572-P

ORDER

Before the Court is the Joint Status Report of the parties filed on January 31, 2007. The Court delayed issuing a scheduling order in this case pending resolution of Defendants' Motion to Reinstate Counterclaims filed on March 26, 2007. An order has now issued resolving that Motion.

Defendants request a period of discovery to address the issue of when Plaintiffs were placed on inquiry notice of their state law claims. Plaintiffs oppose reopening discovery noting that the issue of limitations was previously in the case and the discovery deadline has long passed under the Court's scheduling order.

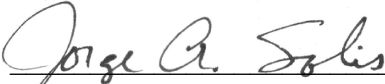
The Court agrees with Plaintiffs and finds that Defendants have not shown good cause for reopening discovery. Defendants state that they did not conduct discovery on this issue because they believed Plaintiffs' claims were time-barred as a matter of law. However, in their Motion for Summary Judgment, Defendants argued that certain events put Plaintiffs on inquiry notice of their state law claims well before the lawsuit was filed. In any event, that Defendants chose to

take a narrow approach to their case and the conduct of discovery is not good cause for reopening expired deadlines in the scheduling order. Parties are under an obligation to not piecemeal litigation. The parties should have conducted discovery on all issues relevant to the pending claims. Defendants elected not to do so, and the Court will not allow a second opportunity to do what should have already been done.

Defendants' request for additional discovery is denied. The Court will issue an amended scheduling order by separate order.

IT IS SO ORDERED.

Signed this 18th day of May 2007.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE